

**ENTERED**

September 30, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**JILLIAN OSTREWICH, *et al.*,

§

Plaintiffs.

§

§

VS.

§

§

CIVIL ACTION NO. 4:19-cv-00715

TENESHIA HUDSPETH, *et al.*,

§

§

Defendants.

§

§

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On April 17, 2021, the parties' competing motions for summary judgment (Dkts. 74, 76) were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). Dkt. 111. Judge Edison filed a Memorandum and Recommendation on September 14, 2021, recommending that Plaintiff's Motion for Summary Judgment (Dkt. 74) be granted in part and denied in part, and that Defendants' Motion for Summary Judgment (Dkt. 76) be granted in part and denied in part. *See* Dkt. 118.

On September 28, 2021, all parties filed their Objections. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).


The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings; and the record. The Court **ACCEPTS** Judge Edison's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 118) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendants' Motion for Summary Judgment (Dkt. 76) is **GRANTED** in part and **DENIED** in part; and
- (3) Plaintiff's Motion for Summary Judgment (Dkt 74) is **GRANTED** in part and **DENIED** in part.

Specifically, Ostrewich's challenge to section 61.010 of the Texas Election Code is denied, and her request for nominal damages is denied. Moreover, sections 61.003 and 85.036 are struck down as unconstitutional infringements on the First Amendment right to free speech.

It is so **ORDERED**.

SIGNED at Houston, Texas, this 30th day of September, 2021.

  
\_\_\_\_\_  
GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE